

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

*Plaintiff,*

*v.*

CAUSE NO. 3:16-CR-41-CWR-FKB

JOSHUA MARTIN,

*Defendant.*

**ORDER**

Before the Court is a *Motion for Grand Jury Transcripts* filed *pro se* by the Defendant, Joshua Martin. Docket No. 82. Mr. Martin seeks a transcript of the grand jury proceedings so that he may “further [his] appeal process.” *Id.* Upon review, the motion must be **DENIED**.

Federal Rule of Criminal Procedure 6 prohibits the disclosure of grand jury proceedings except in limited circumstances. For defendants like Mr. Martin, disclosure is only permitted to “show[] that a ground may exist to dismiss the indictment because of a matter that occurred before the grand jury.” Fed. R. Crim. Pro. 6(e)(3)(E)(ii). That rule is particularly stringent because “the proper functioning of the grand jury system depends upon the secrecy of the grand jury proceedings.” *U.S. v. Miramontez*, 995 F.2d 56, 59 (5th Cir. 1993). Thus, when a defendant seeks to pierce that veil of secrecy, he must demonstrate that “a particularized need” for the grand jury transcripts “outweighs the policy of secrecy.” *Id.* (citation omitted).

Mr. Martin has not made such a showing in this case. Even under a liberal construction, nothing in Mr. Martin's motion suggests that he is challenging the underlying charges in his indictment or that he has any other "particularized" need for the grand jury transcripts.

But even if Mr. Martin's motion were more thorough in outlining the role that the grand jury transcripts would play in his appeal, the motion would still have to be denied because Mr. Martin has no further right to appeal. Mr. Martin was sentenced on October 7, 2016. He would have had 14 days after that to docket an appeal, *see* Fed. R. App. P. 4(b), but he did not. The Court presumes that Mr. Martin did not appeal because, through his plea agreement, he waived that right. Regardless, the appeal right has now extinguished. Docket No. 13, at 4-6. For this reason, too, his motion is **DENIED**.

**SO ORDERED**, this the 22nd day of February, 2023.

s/ Carlton W. Reeves

UNITED STATES DISTRICT JUDGE